

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL A. VIDAL, et al.,

Case No.: 2:22-cv-00274-ART-BNW

Plaintiffs,

V.

VERIZON PENSION PLAN FOR
ASSOCIATES, et al.,

Defendants.

**ORDER APPROVING
STIPULATION FOR EXTENSION OF
TIME FOR MICHAEL A. VIDAL AND
ESTATE OF EVA RAMOS (THROUGH
ITS ADMINISTRATOR JESSICA
CLEMENTE) TO FILE AN
OPPOSITION AND RESPONSE TO ECF
NO. 44 (THE DEFENDANTS' MOTION
TO DISMISS) WHICH SUBJECT
MOTION WAS FILED ON JUNE 17, 2022**

(FIRST REQUEST)

Now come Plaintiffs Michael A. Vidal and Estate of Eva Ramos (through its Administrator Jessica Clemente) (hereinafter collectively “Plaintiffs”), Conduent Incorporated, Conduent Business Services, LLC, Xerox Corporation, and Xerox HR Solutions, LLC (hereinafter collectively the “Conduent Defendants”), and Defendants Verizon Pension Plan for Associates, Verizon Employee Benefits Committee, Kevin Cammarata, Verizon California Inc., Verizon Communications Inc., Verizon Services Corp., and Verizon North. LLC, (hereinafter collectively the “Verizon Defendants”), and pursuant to LR IA 6-1, LR IA 6-2, LR 7-1, LR 7-2, Federal Rule of Civil

1 Procedure Rule 6 and any other applicable rule needed to effectuate this stipulation hereby stipulate
2 and agree concerning the above captioned case (Case No. 2:20-cv-00924-ART-BNW (hereinafter
3 referred to as the “Case” or “instant matter”)) as follows:

4 WHEREAS, as the *all* parties that have appeared in the Case (including Conduent
5 Defendants, Verizon Defendants and the Plaintiffs (hereinafter the Conduent Defendants, Verizon
6 Defendants and Plaintiffs are collectively referred to as the “Stipulating Parties”)) agreed, consented
7 and stipulated between themselves to the stipulations, agreements, caveats, terms and conditions
8 presented and embodied in a preceding stipulation (ECF No. 32) filed by the Conduent Defendants
9 on June 6, 2022 (hereinafter ECF No. 32 is referred to as the “June 6th SAO”)(the June 6th SAO is
10 incorporated herein by reference).

11 WHEREAS, Stipulating Parties agreed, consented and stipulated to all stipulations,
12 agreements, caveats, terms and conditions submitted to the Court in the June 6th SAO and whereas
13 the aforesaid stipulations, agreements, caveats, terms and conditions where agreed and stipulated
14 to—by the Stipulating Parties—in both the June 6th SAO (on the record) and emails (off the record)
15 and whereas the June 6th SAO was a quid pro quo stipulation made in good faith and not made for
16 purposes of delay (and based on the June 6th SAO the Conduent Defendants and Verizon Defendants
17 were permitted by the Court to file their first responses in this Case within the extended stipulated
18 period provided under the June 6th SAO (which each did on June 17, 2022)).

19 WHEREAS, the Conduent Defendants filed a motion to dismiss (ECF No. 44) (hereinafter
20 referred to as the “Conduent MTD”) on June 17, 2022 and in the Conduent MTD the Conduent
21 Defendants also state they “join” the Verizon Defendants’ preceding June 17, 2022 motion to
22 dismiss (ECF No. 42).

23 WHEREAS, the Verizon Defendants also filed a motion to dismiss (ECF No. 42) (hereinafter
24 referred to as the “Verizon MTD”) on June 17, 2022 preceding the Conduent MTD and in the
25 Verizon MTD the Verizon Defendants stated they “join” the Conduent Defendants’ subsequent June
26 17, 2022 motion to dismiss (ECF No. 44).

27 WHEREAS, the Court has set July 1, 2022 as the last date that the Plaintiffs’ can file
28 responses and oppositions to the Conduent MTD (ECF. No. 44).

1 WHEREAS, the Court has also set July 1, 2022 as the last date that the Plaintiffs can file
2 responses and oppositions to the Verizon MTD. (ECF. No. 42).

3 WHEREAS, the Conduent MTD and Verizon MTD each recite they “join” the other, but still
4 remain two separate motions to dismiss that must be responded to (with an opposition and/or
5 response for each) but bear the same due dates for oppositions and responses respectively which
6 periods fully overlap and run concurrently (simultaneously).

7 WHEREAS, because of other litigation of lead counsel for the Plaintiffs, the dual overlapping
8 motions-to-dismiss (one filed by Verizon Defendants and the other filed by Conduent Defendants
9 respectively) filed by the defendants in this Case and a hand injury of lead counsel for the Plaintiffs
10 (limiting certain hand use), the Plaintiffs have requested, and the Verizon Defendants and Conduent
11 Defendants have agreed to, a 35-day extension of time until the end of **Friday, August 5, 2022** to
12 file an opposition (and/or response) to the Conduent MTD (and *all* arguments therein, inclusive of
13 but limited to extending such period until the end of **Friday, August 5, 2022 to file** an opposition to
14 the Conduent Defendants and any parties that joined the Conduent MTD).

15 WHEREAS, the Plaintiffs assert that the proposed requested 35-day extension from July 1,
16 2022 until the end of August 5, 2022 will allow the Plaintiffs to obtain the documents and
17 information necessary to respond to (and oppose) the Conduent MTD and submit (and prepare)
18 necessary filings.

19 WHEREAS, two different motions-to-dismiss were filed (by different defendants) in this
20 Case on June 17, 2022 each respective motion with a due date to respond by July 1, 2022 which
21 means the time for the Plaintiffs to respond to and oppose each such respective motion fully overlaps
22 the other, and whereas each of the two aforesaid motions respectively requires a separate response
23 from the Plaintiffs.

24 WHEREAS, in the June 6th SAO and in the Stipulating Parties’ email communications the
25 Stipulating Parties agreed and stated they “stipulate and agree that to the extent any of the Conduent
26 Defendants or Verizon Defendants, in lieu of filing an answer to the SAC, files a motion pursuant to
27 Fed. R. Civ. P. 12, Fed. R. Civ. P. 56 or any other rule that the time which Plaintiffs would otherwise
28 be afforded to respond to such motion pursuant to Local Rule 7.2, Fed. R. Civ. P. 6 and any other

1 applicable rule shall be extended by an additional 35 days" and whereas the Conduent Defendants
2 and Verizon Defendants state the Conduent MTD and the Verizon MTD are motions to dismiss. See
3 ECF No. 32, ECF No. 42 and ECF No. 44.

4 WHEREAS, in the June 6th SAO and in the Stipulating Parties' email communications the
5 Stipulating Parties agreed and stated, "the Parties further stipulate and agree that to the extent any of
6 the Conduent Defendants or Verizon Defendants files a motion pursuant to Fed. R. Civ. P. 12, Fed.
7 R. Civ. P. 56 or any other rule on or before June 17, 2022 that the time which Plaintiffs would
8 otherwise be afforded to respond to such motion pursuant to Local Rule 7.2, Fed. R. Civ. P. 6 and
9 any other applicable rule shall be extended by an additional 35 days", and whereas the Conduent
10 Defendants and Verizon Defendants state the Conduent MTD and the Verizon MTD are motions to
11 dismiss. See ECF No. 32, ECF No. 42 and ECF No. 44.

12 WHEREAS, this stipulation is filed prior to the current July 1, 2022 due dates (deadlines) to
13 oppose, and respond to the Conduent MTD (ECF No. 44) and the Verizon MTD (ECF No. 42).

14 WHEREAS, Fed. R. Civ. P. 6(b) requires the Court to approve an extension of time to file
15 oppositions and responses, and therefore the Plaintiffs, Conduent Defendants, and the Verizon
16 Defendants collectively respectfully request that the Court approve the stipulation, and HEREBY
17 STIPULATE AND AGREE as set forth below:

- 18 a. This is the Stipulating Parties' ***first stipulation*** for an enlargement of time for the Plaintiffs
19 to file an opposition and response to the Conduent MTD (ECF. No. 44)(and to also oppose
20 and respond to any party that joined the Conduent MTD).
- 21 b. The Stipulating Parties stipulate and agree that the deadline for the Plaintiffs to oppose and
22 respond to the Conduent MTD (ECF No. 44) (including opposing the Conduent Defendants
23 and any party who joins the Conduent MTD and any arguments the Conduent MTD has
24 joined) shall be extended to 35-days from July 1, 2022 until the end of **August 5, 2022**
25 **such that the Plaintiffs shall have until the end of August 5, 2022 to oppose and**
26 **respond to the Conduent MTD;** and

27 ///

28 ///

1 c. This stipulation is made in good faith and not made for purposes of delay.
2

3 IT IS SO STIPULATED.
4

5 /s/ *Ikenna Odunze*

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Communications Inc.; Verizon Services Corp.; and Verizon North LLC

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: June 23, 2022